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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 DAVID ANGEL SIFUENTES, III,

11 Plaintiff,

12 v.

13 NAUTILUS, INC.,

14 Defendant.

CASE NO. C21-5613JLR

ORDER

15 Before the court is Plaintiff David Angel Sifuentes, III's motion for default  
16 judgment against Defendant Nautilus, Inc. (Mot. (Dkt. # 15).) The court has reviewed  
17 Mr. Sifuentes's motion, the balance of the record, and the applicable law. Being fully  
18 advised, the court DENIES Mr. Sifuentes's motion.

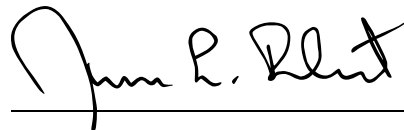
19 The Local Civil Rules provide specific requirements for a party seeking default  
20 judgment, and Mr. Sifuentes has not satisfied those requirements. *See* Local Rules W.D.  
21 Wash. LCR 55. Local Rule 55(b)(1) states: "No motion for judgment by default should  
22 be filed against any party unless the court has previously granted a motion for default

1 against that party pursuant to LCR 55(a) or unless default otherwise has been entered.”  
2 Local Rules W.D. Wash. LCR 55(b)(1). Thus, before it may consider a motion for  
3 default judgment, the court must have previously granted a motion for default. *See id.*

4 Further, as the Ninth Circuit Court of Appeals has stated, Federal Rule of Civil  
5 Procedure 55 also requires a “two-step process” consisting of: (1) seeking a clerk’s entry  
6 of default, and (2) filing a motion for the entry of default judgment. *See Eitel v. McCool*,  
7 782 F.2d 1470, 1471 (9th Cir. 1986) (“Eitel apparently fails to understand the two-step  
8 process required by Rule 55.”); *see also Symantec Corp. v. Global Impact, Inc.*, 559 F.3d  
9 922, 923 (9th Cir. 2009) (noting that Rules 55(a) and (b) provide a two-step process for  
10 obtaining a default judgment); *Norman v. Small*, No. 09cv2235 WQH, 2010 WL  
11 5173683, at \*2 (S.D. Cal. Dec. 14, 2010) (denying the plaintiff’s motion for default  
12 judgment because the clerk had not yet entered a default).

13 Accordingly, the court DENIES Mr. Sifuentes’s motion for default judgment (Dkt.  
14 # 15) without prejudice to seeking default judgment in accordance with the Local Civil  
15 Rules and the Federal Rules of Civil Procedure.

16 Dated this 29th day of November, 2021.

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19 JAMES L. ROBART  
20 United States District Judge  
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